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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,247	02/19/2004	Jianxing Li	30-5082-DIV2	1424
21567	7590	06/16/2005	EXAMINER	
WELLS ST. JOHN P.S. 601 W. FIRST AVENUE, SUITE 1300 SPOKANE, WA 99201			NOVACEK, CHRISTY L	
			ART UNIT	PAPER NUMBER
			2822	

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No.	Applicant(s)	
	10/783,247	LI ET AL.	
	Examiner	Art Unit	
	Christy L. Novacek	2822	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 171-182 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 171-182 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/19/04, 5/24/04, 8/19/04, 10/6/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is in response to the communication filed February 19, 2004.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 171-181 rejected under 35 U.S.C. 102(e) as being anticipated by McTeer (US 5,939,788, cited in IDS).

Regarding claim 171, McTeer discloses a thin film of TiAlN (2) that inhibits metal diffusion from a metal-containing material (3). The TiAlN film is formed by sputtering a TiAl sputtering target in a nitrogen atmosphere (Fig. 1; col. 17, ln. 37-53). According to Table 1 in Applicant's specification, Al has a standard electrode potential of -1.70 V.

Regarding claim 172, McTeer discloses that the metal-containing layer includes copper (col. 17, ln. 37-53).

Regarding claim 173, McTeer discloses that the TiAlN film has a composition of 35-45% Ti, 5-15% Al and 45-55% N (col. 17, ln. 37-53).

Regarding claim 174, McTeer discloses that the TiAlN film has a thickness of 200-500 Angstroms (20-50 nm) (col. 17, ln. 37-53).

Regarding claim 175, McTeer does not specifically disclose the electrical resistivity of the TiAlN film. However, because the thin film of McTeer is formed of the same composition and is

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deposited in the same way as the thin film recited by Applicant, it appears that the thin film of McTeer would inherently possess the function of having an electrical resistivity of equal to or less than $300\ \mu\Omega\cdot\text{cm}$. See *In re Swinehart*, 439 F.2d 210, 212-13, 169 USPQ 226, 229 (CCPA 1971) “where the Patent Office has reason to believe that a functional limitation asserted to be critical for establishing novelty in the claimed subject matter may, in fact, be an inherent characteristic of the prior art, it possesses the authority to require the applicant to prove that the subject matter shown to be in the prior art does not possess the characteristics relied on ”); and *In re Fitzgerald*, 619 F.2d 67, 205 USPQ 594 (CCPA 1980) (a case indicating that the burden of proof can be shifted to the applicant to show that the subject matter of the prior art does not possess the characteristic relied on whether the rejection is based on inherency under 35 U.S.C. 102 or obviousness under 35 U.S.C. 103).

Regarding claim 176, McTeer discloses that the TiAlN film is used as a Cu barrier layer in a microelectronic device (col. 17, ln. 37-53).

Regarding claims 177-179, McTeer does not specifically disclose the mean grain size of the TiAlN film. However, because the thin film of McTeer is formed of the same composition and is deposited in the same way as the thin film recited by Applicant, it appears that the thin film of McTeer would inherently possess the function of having a mean grain size of less than 1 nm. See *In re Swinehart*, 439 F.2d 210, 212-13, 169 USPQ 226, 229 (CCPA 1971) “where the Patent Office has reason to believe that a functional limitation asserted to be critical for establishing novelty in the claimed subject matter may, in fact, be an inherent characteristic of the prior art, it possesses the authority to require the applicant to prove that the subject matter shown to be in the prior art does not possess the characteristics relied on ”); and *In re Fitzgerald*, 619 F.2d 67, 205 USPQ 594 (CCPA 1980) (a case indicating that the burden of proof can be shifted to the applicant to show that

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the subject matter of the prior art does not possess the characteristic relied on whether the rejection is based on inherency under 35 U.S.C. 102 or obviousness under 35 U.S.C. 103).

Regarding claim 180, McTeer discloses a semiconductor substrate, a material (1) supported by the semiconductor substrate into which diffusion of a metal is to be alleviated, a mass including the metal formed over the material, and an intervening layer of a TiAlN thin film formed between the mass and the material into which diffusion of metal is to be alleviated, with the intervening layer alleviating diffusion of the metal from the mass to the material relative to an amount of diffusion that would occur without the intervening layer.

Regarding claim 181, McTeer discloses a thin film of TiAlNO (2) that inhibits copper diffusion from a copper-containing material (3). The TiAlNO film is formed by sputtering a TiAl sputtering target in a nitrogen atmosphere (Fig. 1; col. 17, ln. 37-63). According to Table 1 in Applicant's specification, Al has a standard electrode potential of -1.70 V.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 182 is rejected under 35 U.S.C. 103(a) as being unpatentable over McTeer (US 5,939,788, cited in IDS).

Regarding claim 182, McTeer discloses a TiAlN layer having the composition of 35-45% Ti, 5-15% Al and 45-55% N that is doped with oxygen, but McTeer does not disclose how much oxygen is doped into the layer. At the time of the invention, it would have been obvious to one of ordinary skill in the art to use routine experimentation to determine an optimal amount of oxygen to

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dope into the TiAlN layer of McTeer, depending upon the thickness of the TiAlN layer and the amount of resistivity to diffusion required, because such variables of art recognized importance are subject to routine experimentation and discovery of an optimum value for such variables is obvious. See *In re Aller*, 105 USPQ 233 (CCPA 1955).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christy L. Novacek whose telephone number is (571) 272-1839. The examiner can normally be reached on Monday-Thursday and alternate Fridays 7:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amir Zarabian can be reached on (571) 272-1852. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CLN
June 9, 2005



AMIR ZARABIAN
SUPERVISORY PATENT EXAMINER
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